

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TYRONE SLOWE,	:	
	:	
Petitioner,	:	CIVIL ACTION NO. 15-60
	:	
v.	:	
	:	
KENNETH CAMERON, Superintendent	:	
S.C.I. Houtzdale, and THE ATTORNEY	:	
GENERAL OF THE STATE OF	:	
PENNSYLVANIA,	:	
	:	
Respondents.	:	

ORDER

AND NOW, this 10th day of January, 2017, after considering the petition for writ of habeas corpus and supporting memorandum of law filed by the *pro se* petitioner, Tyrone Slowe (Doc. Nos. 1, 5); the respondents' response in opposition to the petition (Doc. No. 6); the petitioner's reply to the respondents' response (Doc. No. 7); the respondents' supplemental response to the petition (Doc. No. 9); the state court record; and the report and recommendation filed by the Honorable Henry S. Perkin (Doc. No. 12); and no party having filed objections to the report and recommendation despite the period for filing objections having passed; accordingly, it is hereby **ORDERED** as follows:

1. The report and recommendation (Doc. No. 12) is **APPROVED** and **ADOPTED**;¹
2. The petitioner's motion to stay is **GRANTED** and the court will hold the habeas petition in abeyance pending the petitioner's exhaustion of state remedies;

¹ Since neither party has filed objections to Judge Perkin's report and recommendation, the court need not review the report before adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987). Nonetheless, "the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report." *Id.* As such, the court will review the report for plain error. *See Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) ("In the absence of a timely objection, . . . this Court will review [the magistrate judge's] Report and Recommendation for clear error." (internal quotation marks omitted)). The court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). The court has reviewed Judge Perkin's report for plain error and has found none.

3. The Clerk of Court is **DIRECTED** to continue to place this case on the civil suspense docket;

4. The petitioner shall exhaust all claims in state court;

5. Within thirty (30) days of the conclusion of the state court proceedings, including any appellate proceedings related thereto, the petitioner shall notify the court that those proceedings are concluded and the case is ready to proceed in this court. The petitioner shall so notify the court by filing a notice with the Clerk of Court; and

6. The state court record (No. CP-23-CR-2955-2008) shall be returned to the state court for use in the state court proceedings.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.